

Exhibit 2

CHAPTER 654

10672

IN SENATE

April 26, 1974

Introduced by COMMITTEE ON RULES—read twice and ordered
printed, and when printed to be committed to the Committee on
Finance

AN ACT

To amend the executive law, and the correction law, in relation
to the transfer of responsibility for maintenance of certain
criminal statistics, and to repeal certain sections of the cor-
rection law relating thereto

APPROVED

MAY 30 1974

Compared by [Signature]

Approved _____

1844
CALENDAR NO. 1844
STATE OF NEW YORK



10672

IN SENATE

Printed & Placed on

APR 29 1974

Desks of SENATORS

April 26, 1974

IN SENATE

MAY 2 - 1974

To Third Reading

Introduced by COMMITTEE ON RULES—read twice and ordered
printed, and when printed to be committed to the Committee on
Finance

AN ACT

To amend the executive law, and the correction law, in relation
to the transfer of responsibility for maintenance of certain
criminal statistics, and to repeal certain sections of the cor-
rection law relating thereto

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

1 Section 1. Sections fifteen-a, six hundred fifteen, six hundred
2 sixteen, six hundred seventeen and six hundred nineteen of the
3 correction law are hereby **repealed** and such law is hereby amended
4 by adding thereto a new section, to be section twenty-nine, to read
5 as follows:

6 § 29. Department statistics. 1. The department shall continue
7 to collect, maintain, and analyze statistical and other information
8 and data with respect to persons subject to the jurisdiction of the
9 department, including but not limited to: (a) the number of such

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 persons: placed in the custody of the department, assigned to a
2 specific department program, accorded temporary release, paroled
3 or conditionally released, paroled or conditionally released and
4 declared delinquent, recommitted to a state correctional institution
5 upon revocation of parole or conditional release, or discharge upon
6 maximum expiration of sentence; (b) the criminal history of
7 such persons; (c) the social, educational, and vocational circum-
8 stances of any such persons; and, (d) the institutional, parole
9 and conditional release programs and behavior of such persons.

10 2. The commissioner of correctional services shall make rules
11 as to the privacy of records, statistics and other information
12 collected, obtained and maintained by the department, its institu-
13 tions or the board of parole and information obtained in an
14 official capacity by officers, employees or members thereof.

15 3. The commissioner of correctional services shall have access
16 to records and criminal statistics collected by the division of
17 criminal justice services and the commissioner of criminal justice
18 services shall have access to records and criminal statistics col-
19 lected by the department of correctional services, as the com-
20 missioners of correctional services and criminal justice services
21 shall mutually determine.

22 § 2. Subdivision two of section six hundred eighteen of such
23 law, as last amended by chapter one hundred eight of the laws
24 of nineteen hundred seventy-three, is hereby amended to read as
25 follows:

26 2. It is hereby made the duty of the officials having charge of
27 all the penitentiaries[.] and county jails [and reformatories]

1 in the state to cause [prisoners] inmates confined therein under
2 sentence for any crime to be measured and described and the
3 fingerprint impressions of such [prisoners] inmates to be made
4 [by such person or persons in the official service of the state or
5 of any such county or institution as may be designated by the
6 said commissioner for the purpose, which measurements and
7 impressions shall be made] according to the rules and methods
8 prescribed by the commissioner of criminal justice services. It
9 shall also be the duty of such officials in charge of such institutions
10 to procure so far as possible modus operandi statements from all
11 such prisoners. And it shall be the duty of such officials to cause
12 duplicate records of such measurements, impressions and state-
13 ments to be made, two copies to be transmitted to the division
14 of criminal justice services within twenty-four hours following
15 the time of the reception of such [prisoners] inmates in said
16 institutions.

17 § 3. Subdivision four of section eight hundred thirty-seven of
18 the executive law, as amended by chapter six hundred three of the
19 laws of nineteen hundred seventy-three, is hereby amended to
20 read as follows:

21 4. In cooperation with the state administrator of the unified
22 court system as well as any other public or private agency,

23 (a) through the central data facility collect, analyze, evaluate
24 and disseminate statistical and other information and data; and

25 (b) undertake research, studies and analyses and act as a
26 central repository, clearinghouse and disseminator of research
27 studies, in respect to criminal justice functions and any agency

1 responsible for a criminal justice function, with specific attention
2 to [] the effectiveness of existing programs and procedures for the
3 efficient and just processing and disposition of criminal cases;
4 [the number of persons arrested for the alleged commission of a
5 felony, the particular felony for which the person was arrested
6 and the disposition of the charge, including but not limited to,
7 as the case may be, dismissal, acquittal, the offense to which the
8 defendant pleaded guilty, the offense the defendant was convicted
9 of after trial and the sentence.] and

10 *(c) collect and analyze statistical and other information and*
11 *data with respect to the number of crimes reported or known to*
12 *peace officers, the number of persons arrested for the commission*
13 *of offense, the offense for which the person was arrested, the county*
14 *within which the arrest was made and the accusatory instrument*
15 *filed, the disposition of the accusatory instrument including, but*
16 *not limited to, as the case may be, dismissal, acquittal, the offense*
17 *to which the defendant pled guilty, the offense the defendant was*
18 *convicted of after trial, and the sentence.*

19 *(d) Supply data, upon request, to federal bureaus or depart-*
20 *ments engaged in collecting national criminal statistics.*

21 § 4. Section eight hundred thirty-seven-a of such law, as added
22 by chapter six hundred three of the laws of nineteen hundred and
23 seventy-three, is hereby amended to read as follows:

24 § 837-a. Additional functions, powers and duties of the division.
25 In addition to the functions, powers and duties otherwise provided
26 by this article, the division shall:

27 1. Collect and analyze statistical and other information and data

1 with respect to the number of persons **[indicated]** *indicted* for
2 the commission of a felony for which the person was indicted, the
3 county within which the indictment was filed, the disposition of
4 the indictment including, but not limited to, as the case may be,
5 dismissal, acquittal, the offense to which the defendant pleaded
6 guilty, the offense the defendant was convicted of after trial, and
7 the sentence.

8 2. **[The division shall present]** *Present* to the governor, tempo-
9 rary president of the senate, minority leader of the senate, speaker
10 of the assembly and the minority leader of the assembly a quarterly
11 report containing the statistics and other information required by
12 subdivision one hereof. The initial report required by this para-
13 graph shall be for the period beginning September first, nineteen
14 hundred seventy-three and ending December thirty-first, nine-
15 teen hundred seventy-three and shall be presented no later than
16 January fifteen, nineteen hundred seventy-four. Thereafter,
17 each quarterly report shall be presented no later than fifteen days
18 after the close of each quarter.

19 § 5. Article thirty-five of such law is hereby amended by adding
20 thereto a new section, to be section eight hundred thirty-seven-b,
21 to read as follows:

22 § 837-b. *Duties of courts and peace officers. 1. It is hereby made*
23 *the duty of every clerk of every court of criminal jurisdiction,*
24 *both of courts of record and otherwise, including justice and city*
25 *courts, or if there be no clerk, of every judge or justice of such*
26 *court; and of every sheriff, county or city commissioner of cor-*
27 *rection and head of every police department, state, county, or*

1 local, and also railroad, steamship, park, aqueduct and tunnel
2 police and town constables, of every district attorney, of every
3 probation agency; and of head of every institution or department,
4 state, county and local, dealing with criminals and of every other
5 officer, person or agency, dealing with crimes or criminals or with
6 delinquency or delinquents, to transmit to the commissioner of
7 criminal justice services not later than the fifteenth-day of each
8 calendar month, or at such times as provided in the rules and
9 regulations adopted by the commissioner, such information as may
10 be necessary to enable him to comply with subdivision four of
11 section 837. Such reports shall be made upon forms which shall
12 be supplied by the commissioner.

13 2. Such officers and agencies shall install and maintain records
14 needed for reporting data required by the commissioner of criminal
15 justice services and shall give him or his accredited agents access
16 to records for the purpose of inspection.

17 3. For every neglect to comply with the requirements of this
18 section, the commissioner may apply to the supreme court for an
19 order directed to such person responsible requiring compliance.
20 Upon such application the court may issue such order as may be
21 just, and a failure to comply with the order of the court shall be
22 a contempt of court and punishable as such.

23 § 6. Transfer of functions to the division of criminal justice
24 services. All of the functions and powers possessed by and all of
25 the obligations and duties of the commissioner of correctional
26 services and department of correctional services pertaining to the
27 compilation and reporting of criminal statistics, other than records

1 of inmates of all correctional institutions in this state, now carried
2 out pursuant to sections six hundred fifteen, six hundred sixteen,
3 six hundred seventeen and six hundred nineteen of the correction
4 law, as repealed by this act, are hereby transferred and assigned
5 to, assumed by and devolved upon the commissioner and division
6 of criminal justice services.

7 § 7. Continuance of rules, regulations and acts. All rules,
8 regulations, acts, decisions, determinations and orders of the com-
9 missioner of correctional services, pertaining to the functions
10 transferred and assigned to the commissioner of criminal justice
11 services and the division of criminal justice services pursuant to
12 section four of this act in force or effective on the effective date
13 of this act shall continue in force and effect as rules, regulations,
14 acts, decisions, determinations and orders of the commissioner of
15 criminal justice services or the division of criminal justice serv-
16 ices, as the case may be, until duly modified or abrogated by the
17 commissioner of criminal justice services.

18 § 8. Transfer of records. The commissioner of correctional
19 services shall deliver to the commissioner of criminal justice services
20 all books, papers, records and property of the department of cor-
21 rectional services pertaining to the functions transferred and
22 assigned pursuant to section four of this act.

23 § 9. Transfer of employees. Upon the transfer and assignment of
24 functions to the division of criminal justice services pursuant to
25 section four of this act, provisions shall be made for the transfer to
26 the division of criminal justice services of such employees of the
27 department of correctional services who are engaged in carrying out

1 such functions as the commissioners of correctional services and
2 criminal justice services, subject to the approval of the director
3 of the budget, may deem necessary for the exercise of the functions
4 herein transferred to the division of criminal justice services. Any
5 employees transferred from the department of correctional services
6 to the division of criminal justice services shall be transferred in
7 accordance with the provisions of section seventy of the civil
8 service law.

9 § 10. Completion of unfinished business. Any proceeding or
10 other business or matter undertaken or commenced by or before the
11 commissioner or the department of correctional services, pertaining
12 to or connected with the functions transferred and assigned pur-
13 suant to section four of this act, and pending on the effective date
14 of this act, may be conducted and completed by the commissioner
15 or division of criminal justice services in the same manner and
16 under the same terms and conditions and with the same effect as if
17 conducted and completed by the commissioner or the department
18 of correctional services.

19 § 11. Pending actions and proceedings. No action or proceed-
20 ing pending at the time this act shall take effect, brought by, against
21 or before the commissioner or the department of correctional
22 services or in which either of them is a party and pertaining to or
23 connected with the functions transferred and assigned pursuant to
24 section four of this act, shall be affected by any provision of this act,
25 but the same may be prosecuted or defended in the name of the
26 commissioner of criminal justice services. In all such actions and
27 proceedings, the commissioner of criminal justice services, upon
28 application to the court, shall be substituted as a party.

1 § 12. Terms occurring in law and in contracts and other docu-
2 ments. When the commissioner or department of correctional
3 services is referred to or designed in any law, contract, judg-
4 ment, decision or document pertaining to the functions trans-
5 ferred pursuant to section four of this act, such reference or desig-
6 nation shall be deemed to refer to and include the commissioner
7 or division of criminal justice services, as the case may be, so far
8 as such law, contract, judgement, decision or document pertains to
9 matters which are within their jurisdiction by reason of the transfer
10 and assignment of functions pursuant to this act.

11 § 13. Court opinions, judgments and decisions. All opinions,
12 determinations, decisions and judgments hitherto rendered in a
13 court of competent jurisdiction in an action or proceeding in which
14 the commissioner or department of correctional services is a party
15 pertaining to or connected with the functions transferred and
16 assigned pursuant to section four of this act shall continue to be
17 binding and effective with respect to the matters therein determined
18 with the same force and effect as if the commissioner of criminal
19 justice services were a party therein.

20 § 14. Transfer of appropriations heretofore made to department
21 of correctional services. Subject to the approval of the Director
22 of the Budget, all appropriations or reappropriations for the func-
23 tions transferred pursuant to section four of this act heretofore
24 made to the department of correctional services, or segregated
25 pursuant to law, to the extent of remaining unexpended or unen-
26 cumbered balances thereof, whether allocated or unallocated and
27 whether obligated or unobligated, are hereby transferred to and

1 made available for use and expenditure by the division of criminal
2 justice services for the same purposes for which originally appro-
3 priated or reappropriated and shall be payable on vouchers certified
4 or approved by the commissioner of criminal justice services on
5 audit and warrant of the comptroller. Payments for liabilities for
6 expenses of personal service, maintenance and operation heretofore
7 incurred by the department of correctional services in connection
8 with the functions transferred pursuant to this title and for liabili-
9 ties incurred and to be incurred in completing its affairs in relation
10 to such functions, shall also be made on vouchers or certificates
11 approved by the commissioner of criminal justice services on audit
12 or warrant of the comptroller. Payments for liabilities for expenses
13 of personal service, maintenance and operation heretofore incurred
14 by the department of correctional services in connection with the
15 functions transferred pursuant to this title and for liabilities in-
16 curred and to be incurred in completing its affairs in relation to
17 such functions, shall also be made on vouchers or certificates
18 approved by the commissioner of criminal justice services on audit
19 or warrant of the comptroller.

20 § 15. Rights and remedies preserved. (a) No existing right or
21 remedy of any character shall be lost, impaired or affected by reason
22 of this act.

23 (b) No new right or remedy of any character shall accrue to or
24 for the benefit of any person by reason of this act.

25 § 16. This act shall take effect January first, nineteen hundred
26 seventy-five, except that portion of section one of this act which
27 repeals section fifteen-a and enacts section twenty-nine of the cor-
28 rection law, which shall take effect immediately.

NOTE.—Correction Law, §§ 15-a, 615, 616, 617 and 619 repealed by this act are substantially re-enacted by sections 1, 2, 3, and 5, with the following dispositions:

Correction Law, § 15-a
Correction Law, § 615

Correction Law, § 29, subd. 2
Correction Law, § 29, subd. 1;
Executive Law, § 837, subd. 4
Executive Law, §§ 837, subd. 4; 837-b
Executive Law, § 837-b
Omitted*

Correction Law, § 616*
Correction Law, § 617**
Correction Law, § 619

* The provisions of §§ 616 and 619 of the Correction Law which require that an annual report be made to the Legislature are in essence duplicated by the Executive Law, § 837(12).

** The provisions of § 617(2) of the Correction Law, which require peace officers to transmit fingerprints to the Division of Criminal Justice Services, are enforceable through the Criminal Procedure Law, §§160.10 and 160.20.

Lt. Governor
 Attorney General
 Comptroller
 Secretary to the Governor
 Budget
 Planning Services
 Sponsor
 Adirondack Park Agency
 Aging
 Agriculture & Markets
 Architecture
 Arts
 Atomic & Space Development
 Banking
 Cable Television Comm.
 Civil Service
 Commerce
 Consumer Protection Board
 Correctional Services
 Crime Victims Compensation
 Criminal Justice Services
 Dormitory Authority
 Education Department
 Employee Relations
 Environmental Conservation
 Environmental Facil. Corp.
 Equalization & Assessment
 General Services
 Health
 Health & Men Hyg. Fac. Imp. Corp.
 Housing & Community Renewal
 Housing Finance Agency
 Human Rights
 Insurance Department
 Job Development
 Labor
 Local Government
 Mental Hygiene
 Metropolitan Trans. Auth.
 Military & Naval Affairs
 Mortgage Agency
 Motor Vehicles
 Municipal Bond Bank Agency
 Narcotic Addiction Control
 Parks & Recreation
 Pension Commission
 Port Authority
 Power Authority
 Probation
 Public Employment Rel. Bd.
 Public Service
 Social Services
 Social Welfare, Board of
 State Department
 State Investigation Comm.
 State Liquor Authority
 State Police
 State University
 Taxation & Finance
 Thruway Authority
 Transportation
 Urban Development Corp.
 Veterans' Affairs
 Waterfront Commission
 Welfare Inspector General
 Workmen's Comp. Bd.
 Youth

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 Judicial Conference
 Law Revision Commission
 N.Y.S. Bar Association
 N.Y.S. Trial Lawyers Assn.
 Assn. of Bar of N.Y.C.
 Bar Assn. of _____ County
 District Attorneys Assoc.
 N.Y. Civil Liberties Union
 County Judges Assn.
 Family Court Judges
 Magistrates Assn.
 Supreme Court Justices
 Surrogates Assn.
 AFL-CIO
 Associated Industries
 Commerce & Industry Assn.
 Community Service Society
 Association of Towns
 County Officers Assn.
 Conference of Mayors
 Big Six Mayors
 Mayor _____
 Town Sup. _____
 Co. Leg. _____
 Co. Atty. _____
 Co. Exec. _____
 Temp. State Com. on: _____
 Advisory Council on: _____
 Joint Leg. Comm. on: _____

Multiple memorandum received from the
State Comptroller dated MAY 17 REC'D
stating the following bill is of
"No Interest" to the Department of
Audit and Control.

Intro. No.

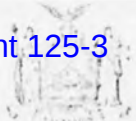
Print No.

5-10672

The original memorandum filed with:

1

C-657



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THE JUDICIAL CONFERENCE
OF THE
STATE OF NEW YORK
270 BROADWAY
NEW YORK, N. Y. 10007

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OREST V. MARESCA

RICHARD J. BAR
STATE ADMINISTRATOR
JUDGE

May 7, 1974

MEMORANDUM IN OPPOSITION TO

S- 10672 (Committee on Rules)

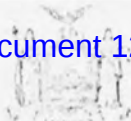
A- 12344

AN ACT To amend the executive law, and the correction law, in relation to the transfer of responsibility for maintenance of certain criminal statistics, and to repeal certain sections of the correction law relating thereto

This bill, which has passed the Senate, would give the Commissioner of the Division of Criminal Justice Services the responsibility of collecting and reporting statistics regarding dispositions and sentence in all criminal cases throughout the state. The Commissioner would have the authority to require "every clerk of every court of criminal jurisdiction" to report to him "upon forms which shall be supplied by the commissioner". This authority would be enforceable by court order and the sanction of contempt. Similar authority is provided over police departments, district attorneys, and other officials.

This bill, drafted without consultation with my office, would give the Division of Criminal Justice Services undue power to demand reports, "not later than the fifteenth day of each calendar month", from every court clerk in the state. Although the Commissioner of Correctional Services presently has similar authority, and this bill is designed to transfer those powers to DCJS, a drastic change in practice may be expected. The information to be required is spelled out in much greater detail under the bill, and the authority was not used by the Commissioner of Correctional Services.

C-659



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RICHARD J. BARTLETT
STATE ADMINISTRATIVE
JUDGE

May 7, 1974

MEMORANDUM IN OPPOSITION TO

S- 10672 (Committee on Rules)

A- 12344

SENATE ACT To amend the executive law, and the correction law, in relation to the transfer of responsibility for maintenance of certain criminal statistics, and to repeal certain sections of the correction law relating thereto

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-2-

Reporting of court dispositions should be a responsibility of the judicial branch. My office, under a new administration, is committed to setting up a system of accurate, prompt reporting of all necessary information relating to the courts. We should be given a reasonable opportunity to fulfill that commitment. This bill is unnecessary, and creates a serious risk of hampering this vital judicial program. Moreover, if an Executive department is to have the authority to require reporting by the courts, the duty to report should be imposed on the State Administrator, not on hundreds of individual clerks throughout the state.

I urge disapproval of this bill.

Richard J. Bartlett
State Administrative Judge

03

3-10672



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MAY 23 REC'D

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RICHARD J. BART
STATE ADMINISTRATOR
JUDGE

May 22, 1974

Honorable Michael Whiteman
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York

Re: S 10672 ✓
A 12490 ✓

Dear Mr. Whiteman:

You have requested the comments of this office concerning these measures.

Senate 10672 would transfer from the Department of Correctional Services to the Division of Criminal Justice Services responsibility for the maintenance of certain criminal statistics. Assembly 12490 would require the state administrator rather than individual courts to furnish the commissioner of criminal justice services with such statistical information as he may require.

This office originally opposed the provision in section 5 of Senate 10672 which would authorize the commissioner of criminal justice services to require statistical reports from every court clerk or judge of the unified court system. We are of the firm position that the statistics-gathering function properly belongs in the central office of court administration and that the furnishing of statistical reports to other state agencies should be the responsibility of that office.

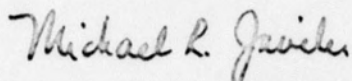
Assembly 12490, which was introduced at the request of this office, meets our objections to Senate 10672 by vesting the statistical reporting function in the office of the state administrator.

Honorable Michael Whiteman
Page 2

May 22, 1974

Accordingly, this office has no objection to the Governor's approval of these measures.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Juviler".

Michael R. Juviler
Counsel

MRJ/ibc

85



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONAL SERVICES

PETER PREISER
COMMISSIONER

ALBANY, N.Y. 12226

May 20, 1974

TO: Michael Whiteman, Counsel to the Governor
FROM: Peter Preiser, Commissioner
SUBJECT: Senate Bill 10672
RECOMMENDATION: Approval

The bill provides for the transfer of responsibility for the collection of certain criminal statistics from the Department of Correctional Services to the Division of Criminal Justice Services.

Historically, the Department of Correctional Services was generally the repository for fingerprint records and criminal history information of persons arrested and convicted of felonies and certain misdemeanors. The creation, in 1965, of the New York State Identification and Intelligence System (NYSIIS), a Statewide computerized criminal history information system, foreshadowed, when operational, the passing of the responsibility for summary criminal history information and arrest, conviction and sentence statistics from the Department of Correctional Services to the Division of Criminal Justice Services. Thus, in 1966, peace officers were directed to forward one copy of the fingerprints of a person arrested for a felony or certain misdemeanors to NYSIIS rather than the Department of Correctional Services. In 1972, NYSIIS became part of the new Division of Criminal Justice Services. In 1973, the Division of Criminal Justice Services was required by law to:

"Collect and analyze statistical and other information and data with respect to the number of persons indicted for the commission of a felony, the felony for which the person

Hon. Michael Whiteman

-2-

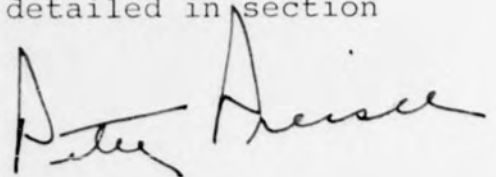
May 20, 1974

was indicted, the county within which the indictment was filed, the disposition of the indictment including, but not limited to, as the case may be, dismissal, acquittal, the offense to which the defendant pleaded guilty, the offense the defendant was convicted of after trial, and the sentence."

Given the existence of the Division of Criminal Justice Services, the Department's practical authority and fiscal resources for the gathering of criminal statistics detailed by Correction Law six hundred nineteen has been severely curtailed. Some agencies seeking to avoid duplicative reporting are reporting such criminal statistics to the Division of Criminal Justice Services only. Indeed, the major source of criminal history disposition data is the Judicial Conference and they presently communicate such information only to the Division of Criminal Justice Services.

The Department of Correctional Services supports the legislative direction towards shifting to the Division of Criminal Justice Services responsibility for the collection of those types of criminal statistics generally required by Section six hundred nineteen, particularly since the Division has a computerized operation as opposed to the Department's manual system.

The records and statistical information that the Department of Correctional Services can and should continue to compile is sufficiently detailed in section one of the bill.

A handwritten signature in dark ink, appearing to read "Peter Arnesen". The signature is written in a cursive, flowing style with a large initial "P" and "A".

PP:WCD:tw

07

<u>SENATE</u>	Introduced by:	<u>ASSEMBLY</u>
No. 10672	Committee on Rules	No.
Executive		
Law:	Sections:	
Correction		
		Sec. 837, Subd. 4; Sec. 837-a (amended); 837-b (new) 15-a, 616, 617, 619 (repealed) Sec. 29 (new); Sec. 618, Subd. (amended)
Division of the Budget recommendation on the above bill:		
Approve: <u>X</u>	Veto: _____	No Objection: _____ No Recommendation: _____

1. Subject and Purpose: This bill would transfer responsibility for the general criminal statistics functions from the Department of Correctional Services to the Division of Criminal Justice Services, to centralize in one agency all responsibilities for the analysis of data on the criminal justice function.
2. Summary of Provisions: Under present law, the Department of Correctional Services is responsible for receiving, compiling and distributing statistical records showing the number and nature of all crimes committed in the State and also data on all persons tried in criminal courts in the State and action taken in each. The Department is further required to aggregate the statistics collected into certain categories and report annually the results to the Legislature.

Also, the Division of Criminal Justice Services (DCJS) has overall responsibility for assisting the Governor in improving the criminal justice system as well as operating a central data facility and communications network serving all criminal justice agencies in the State.

This bill would:

- a. Replace sections 15-a, 615, 616 and 619 of the Correction Law with a new section 29, thereby confining the Department of Correctional Services' direct statistical collection and reporting responsibility to those records and statistics pertaining to persons under the custody of the department. Other statistical reporting programs, primarily related to arrest and disposition data, would be transferred to the Division of Criminal Justice Services.
- b. Amend section 837 (4) of the executive law to authorize the Division of Criminal Justice Services to collect and report criminal statistics and to delete ambiguous and redundant language concerning the Division's responsibility for collecting felony statistics.
- c. Repeal section 617 of the correction law and add a new section 837 to the executive law, to provide that court officers report criminal statistics to the Division of Criminal Justice Services, rather than the Department of Correctional Services.
- d. Amend section 837-a of the Executive Law to correct a misspelled word and eliminate a redundant phrase.

BUDGET REPORT ON BILLS

Session Year: 1974

Introduced by:

ASSEMBLY

10672

Committee on Rules

No.

Executive

Sections: Sec. 837, Subd. 4; Sec. 837-a
(amended); 837-b (new)

Correction

15-a, 616, 617, 619 (repealed)
Sec. 29 (new); Sec. 618, Subd. 2
(amended)

of the Budget recommendation on the above bill:

X

Veto:

No Objection:

No Recommendation:

Effect and Purpose: This bill would transfer responsibility for the general criminal statistics functions from the Department of Correctional Services to the Division of Criminal Justice Services, to centralize in one agency all responsibilities for the analysis of data on the criminal justice function.

Summary of Provisions: Under present law, the Department of Correctional Services is responsible for receiving, compiling and distributing statistical records showing the number and nature of all crimes committed in the State and also data on all persons tried in criminal courts in the State and action taken in each. The Department is further required to aggregate the statistics collected into certain categories and report annually the results to the Legislature.

Also, the Division of Criminal Justice Services (DCJS) has overall responsibility for assisting the Governor in improving the criminal justice system as well as operating a central data facility and communications network serving all criminal justice agencies in the State.

This bill would:

Replace sections 15-a, 615, 616 and 619 of the Correction Law with a new section 29, thereby confining the Department of Correctional Services' direct statistical collection and reporting responsibilities to those records and statistics pertaining to persons under the custody of the department. Other statistical reporting programs, primarily related to arrest and disposition data, would be transferred to the Division of Criminal Justice Services.

Amend section 837 (4) of the executive law to authorize the Division of Criminal Justice Services to collect and report criminal statistics and to delete ambiguous and redundant language concerning the Division's responsibility for collecting felony statistics.

Repeal section 617 of the correction law and add a new section 837-b to the executive law, to provide that court officers report criminal statistics to the Division of Criminal Justice Services, rather than the Department of Correctional Services.

Amend section 837-a of the Executive Law to correct a misspelled word and eliminate a redundant phrase.

Examiner:

- 2 -

- e. Continue in effect all rules, regulations and decisions of DCS pertaining to the functions transferred until they are modified or abrogated.
- f. Transfer all pertinent records, property, appropriations and employees to DCJS.

Prior Legislative History: This is new legislation.

Arguments in Support:

- a. The bill would eliminate an outmoded division of responsibilities in criminal statistics duties between the Division of Criminal Justice Services and the Department of Correctional Services. Centralizing all information collection, analysis and reporting functions in DCJS should permit more accurate, timely and comprehensive reporting of criminal justice statistical information in New York State.
- b. This bill is a logical sequel to L. 1972, c. 399, which created the Division of Criminal Justice Services and to L. 1973, c. 603, which expanded the Division's informational responsibilities to act as a central clearinghouse for data affecting the criminal justice system.
- c. This bill should produce minor savings within the next several years as crime statistics reporting is integrated into related DCJS functions and automated.

Possible Objections: None known.

Other State Agencies Interested: This bill was prepared and sponsored by the Division of the Budget. The Division of Criminal Justice Services and the Department of Correctional Services both support this legislation. The Division of Probation and State Police may also have an interest.

Known Position of Others: None known.

Budgetary Implications: This bill has no significant fiscal implications since it provides for the transfer of equipment, staff and appropriations to DCJS.

Recommendation: This bill would eliminate an outmoded division of functions between the Division of Criminal Justice Services and the Department of Correctional Services. By centralizing this function in one agency, the bill will help insure more timely, accurate and comprehensive data on the State's criminal justice system. We, therefore, recommend approval.

- 2 -

- e. Continue in effect all rules, regulations and decisions of DCS pertaining to the functions transferred until they are modified or abrogated.
- f. Transfer all pertinent records, property, appropriations and employ to DCJS.

3. Prior Legislative History: This is new legislation.

4. Arguments in Support:

- a. The bill would eliminate an outmoded division of responsibilities in criminal statistics duties between the Division of Criminal Justice Services and the Department of Correctional Services. Centralizing all information collection, analysis and reporting functions in DCJS should permit more accurate, timely and comprehensive reporting of criminal justice statistical information in New York State.
- b. This bill is a logical sequel to L. 1972, c. 399, which created the Division of Criminal Justice Services and to L. 1973, c. 603, which expanded the Division's informational responsibilities to act as a central clearinghouse for data affecting the criminal justice system.
- c. This bill should produce minor savings within the next several years as crime statistics reporting is integrated into related DCJS functions and automated.

5. Possible Objections: None known.

6. Other State Agencies Interested: This bill was prepared and sponsored by the Division of the Budget. The Division of Criminal Justice Services and the Department of Correctional Services both support this legislation. The Division of Probation and State Police may also have an interest.

7. Known Position of Others: None known.

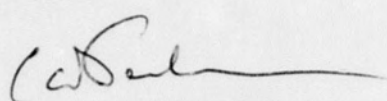
8. Budgetary Implications: This bill has no significant fiscal implications since it provides for the transfer of equipment, staff and appropriations to DCJS.

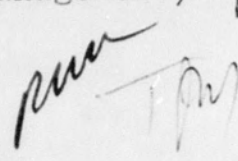
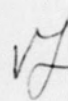
9. Recommendation: This bill would eliminate an outmoded division of functions between the Division of Criminal Justice Services and the Department of Correctional Services. By centralizing this function in one agency, the bill will help insure more timely, accurate and comprehensive data for the State's criminal justice system. We, therefore, recommend approval.

- 3 -

DRAFTING NOTE: The word prisoners on line 11 of page 2 should be replaced with the word inmates.

DATE: May 17, 1974

EXAMINER: Patrick J. Bulgaro 

Vincent E. LaFleche, Assistant Chief Budget Examiner (management)  

29 Chap. 6 54 1167
MAY 23 REC'D

NEW YORK STATE
OFFICE OF PLANNING SERVICES

M E M O R A N D U M

TO: Michael Whiteman, Counsel to the Governor
FROM: Richard A. Wiebe
SUBJECT: Senate Bill No. 10672 (Rules)
DATE: May 17, 1974

You requested our comments and recommendations concerning the above-numbered bill.

This measure does not affect the functions of this Office and we have no comment to make with respect to it.

S 10672
MAY 20 REC'D

TO COUNSEL TO THE GOVERNOR

RE: SENATE 10672
ASSEMBLY

Inasmuch as this bill does not appear to involve a legal problem nor to relate to the functions of the Department of Law, I am not commenting thereon. However, if there is a particular aspect of the bill upon which you wish comment, please advise me.

Dated: MAY 16, 1974

LOUIS J. LEFKOWITZ
Attorney General